

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-CR-20630

JEFFERY PIETRZYK,

Hon. Bernard A. Friedman

Defendant.

NOTICE OF MOTION

Moving Party: Defendant Jeffery Pietrzyk

Date and Time: TBD

Place:
Hon. Bernard A. Friedman
Theodore Levin U.S. Courthouse
231 W. Lafayette Blvd., Room 120
Detroit, MI 48226

Supporting Papers: Declaration of Robert C. Singer, Esq., executed March 29, 2021 and Exhibit A.

Relief Requested: An Order granting Defendant's Fifth Motion to Adjourn Sentencing, to reset the defendant's Sentencing Hearing for July 14, 2021 at 11:00 a.m., and to reset the Sentencing Submission Schedule.

Dated: March 29, 2021
Williamsville, New York

SINGER LEGAL PLLC
Counsel for Defendant Jeffery Pietrzyk

By: s/ Robert C. Singer, Esq.
Robert C. Singer, Esq.
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UNITED STATES DISTRICT COURT
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Case No. 19-CR-20630

JEFFERY PIETRZYK,

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Defendant.

ATTORNEY DECLARATION

I, ROBERT C. SINGER, ESQ., make this Declaration under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney at law duly licensed to practice in the State of New York and this Court and am Owner of Singer Legal PLLC, attorneys for defendant Jeffery Pietrzyk.

2. I submit this declaration in support of the defendant's Fifth Motion to Adjourn Sentencing, to reset the defendant's Sentencing Hearing for July 14, 2021 at 11:00 a.m., and to reset the Sentencing Submission Schedule.

3. Sentencing in this matter currently is scheduled for April 21, 2020 at 11:00 a.m.

4. As the Court is aware, in March 2020, a novel coronavirus (“COVID-19”) spread throughout this country, to include within the State of Michigan. The outbreak of COVID-19 caused President Trump to declare a national state of emergency. The outbreak also resulted in the Governor of Michigan to declare a state of emergency in Michigan. In April 2020, the Eastern District of Michigan promulgated an administrative order that does not permit personal appearances for sentencing hearings because such hearings “cannot be conducted in person without seriously jeopardizing public health and safety” due to the pandemic. *See* 20-AO-027 (Apr. 10, 2020), available at: <http://www.mied.uscourts.gov/pdffiles/20AO027.pdf>. While a defendant may proceed with sentencing “virtually” using Zoom, proceedings though virtual appearances of counsel and defendants require the defendant to waive his right to a personal appearance guaranteed under Federal Rule of Criminal Procedure 32.

5. This administrative order has been extended by the Eastern District of Michigan throughout 2020-21. In August 2020, Mr. Pietrzyk requested a new date for sentencing since he was not permitted to appear in person for sentencing on September 2, 2020. The Court granted his motion and adjourned sentencing until November 18, 2020, a date after the general order was set to expire. Mr. Pietrzyk was optimistic that in person sentencing would resume on this date since several federal district courts began reopening their courthouses for in person proceedings this summer and fall. However, on September 28, 2020, the Eastern District of Michigan extended its administrative order that does not permit in person appearances for sentencing through December 28, 2020. *See* 20-AO-046 (Sept. 28, 2020), available at:

<http://www.mied.uscourts.gov/pdffiles/20AO046a.pdf>. And this order was extended again through March 26, 2021. *See* 20-AO-059 (Dec. 21, 2020), available at:

<https://www.mied.uscourts.gov/PDFFiles/20AO059.pdf> While Administrative Order 20-AO-059

expired on March 26, 2021, your deponent's conversation with the Court indicates that the Eastern District of Michigan will extend its order restricting in person appearances through this spring.

6. I have spoken to my client about waiving his right to personal appearance for sentencing and Mr. Pietrzyk will not waive this right because he desires to personally appear before Your Honor for sentencing as it is his right to do so under Rule 32. *See Exhibit A (Defendant's Intentions Regarding Sentencing).* Therefore, the defense respectfully requests a fifth adjournment of sentencing in this case. In speaking with the government and your courtroom manager, the parties and the Court are available on July 14, 2021 at 11:00 a.m. for sentencing.

7. Prior to filing this motion, your deponent spoke to AUSA Frances Carlson. AUSA Carlson indicated that the government is not opposed to granting this adjournment.

Dated: March 29, 2021
Williamsville, New York

SINGER LEGAL PLLC
Attorneys for Defendant Jeffery Pietrzyk

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CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2021, I electronically filed the foregoing document and accompanying exhibits and declarations with the United States District Court for the Eastern District of Michigan by using the CM/ECF system. I certify that the following parties or their counsel of record are registered as ECF Filers and that they will be served by the CM/ECF system:

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Dated: March 29, 2021
Williamsville, New York

SINGER LEGAL PLLC
Counsel for Defendant Jeffery Pietrzek

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